REMARKS

Claims 1-65 and 67-86 are pending in the present application. Claims 18-30, 43-49, and 67-86 are withdrawn in response to a restriction requirement. By this amendment, claims 1-2, 4, 6, 10, 13, 31-34, 36-41, and 50-65 are amended, and claim 66 is canceled without prejudice or disclaimer. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and the following remarks.

I. Restriction Requirement

The Office Action notes on page 10 that claims 40-41 appear "to be functionally not related to other elements used in configuring methods as recited in the scope of Claims 1-17" and requests restriction of these claims. Applicants first note that claims 40-41 depend from claim 31 of the current application which is directed to a system for configuring a management module, not claims 1-17 which are directed to a computer-implemented method for configuring a management module. Applicants further traverse the Office Action's request for restriction and respectfully assert that the request for restriction is improper.

In particular, since a first action on the merits (the current Office Action) has been issued for the recitations set forth in claims 1-17, 31-42, and 50-65, the recitations set forth in these claims have been constructively elected.

Moreover, MPEP §803(I) notes that the criteria for a proper requirement for restriction between patentably distinct inventions includes the following: (A) the inventions must be independent or distinct as claimed; *and* (B) there would be a serious burden on the examiner if restriction is not required. In the current Office Action, the Examiner rejects claims 40-41 under 35 U.S.C. §103(a) as being unpatentable over RadiSys, "Platform Management – Universal Developer's Guide" (hereinafter "RadiSys") in view of Official Notice taken by the Examiner. Since the Examiner has obviously examined claims 40-41 in order to reject these claims, Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction is not required. Therefore, criteria B of MPEP §803(I) is not met, and thus, the request for restriction is improper.

Further, MPEP §803 states that "[i]f the search and examination of all the claims in an application can be made without serious burden, then the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." Assuming then,

for arguments sake only, that claims 40-41 are directed to independent or distinct inventions, Applicants still traverse the request for restriction of claims 40-41 because it was obviously not a serious burden for the Examiner to examine the claims on the merit since the Examiner has already examined the claims and provided rejections of the claims in the current Office Action. Accordingly, Applicants respectfully request that the request for restriction regarding claims 40-41 be withdrawn.

II. Claim Rejections Under 35 U.S.C. §101

Claims 31-42 and 50-66 are rejected under 35 U.S.C. §101 because the claimed invention allegedly is directed to non-statutory subject matter. As noted above, claim 66 is canceled without prejudice or disclaimer, rendering this rejection moot with regards to claim 66. Applicants respectfully traverse the rejection.

A. Claims 31-42 are directed to statutory subject matter.

The Office Action notes that claims 31-42 are rejected under 35 U.S.C. §101 because the claims allegedly recite software elements which the Office Action is asserting include non-statutory subject matter. Although Applicants respectfully disagree with the Office Action's assertion, to further prosecution of the current application, claims 31-42 are amended to eliminate the recitations for which the Office Action alleges include non-statutory subject matter. Accordingly, Applicants respectfully request withdrawal of this rejection.

B. Claims 50-66 are directed to statutory subject matter.

The Office Action notes that claims 50-66 are rejected under 35 U.S.C. §101 because the claims allegedly recite software elements which the Office Action is asserting include non-statutory subject matter. Although Applicants respectfully disagree with the Office Action's assertion, to further prosecution of the current application, claims 50-66 are amended to recite "a computer readable storage medium" which is described in the specification at least at page 15, line 26 through page 16, line 13 and which is statutory subject matter. Accordingly, Applicants respectfully request withdrawal of this rejection.

III. Claim Rejections Under 35 U.S.C. §102

Claims 1-17, 31-39, 42, and 50-66 are rejected under 35 U.S.C. §102(b) as being anticipated RadiSys. As noted above, claim 66 is canceled without prejudice or disclaimer, rendering this rejection moot with regards to claim 66. This rejection is respectfully traversed.

A. Claim 1-17 and 50-65 are allowable.

As amended, claim 1 recites that a computer-implemented method for configuring a management module for use in monitoring operations associated with a computer system, the method comprising: (a) prior to the management module being configured to monitor a plurality of components communicatively connected to the management module and analyze, based on the monitored plurality of components, whether an event has occurred in the computer system, detecting a first component of the plurality of components communicatively connected to the management module, wherein the first component senses and provides to the management module operational information relating to operations associated with the computer system; (b) identifying a type of information provided by the detected first component; (c) creating a configuration file specifying the type of information identified for the detected first component; and (d) incorporating the configuration file into the management module such that the management module is configured to receive the identified type of information from the detected first component and analyze, based on the identified type of information from the detected first component, whether an event has occurred in the computer system.

RadiSys does not teach, suggest, or describe a computer-implemented method for configuring a management module for use in monitoring operations associated with a computer system including the features recited by claim 1. On the contrary, RadiSys describes a method for providing an interface that allows for development of service provider programs utilizing standard Intelligent Platform Management Interface (IPMI) commands and RadiSys Original Equipment Manufacturer (OEM) commands. The standard IPMI commands and the RadiSys OEM commands discussed by RadiSys appear to be commands that can be issued by either system management software or a Baseboard Management Controller (BMC) and responded to by either the BMC or IPMI devices in communication with the BMC, respectively. For these commands to be issued and responded to, the BMC would need to be set up to handle the configuration of the IPMI devices. This is not analogous to the method recited by claim 1

because RadiSys fails to teach, suggest, or describe any actions that are performed prior to the BMC being set up to monitor the IPMI devices communicatively connected to the BMC and analyze, based on the monitored IPMI devices, whether an event has occurred in a computer system.

Moreover, RadiSys fails to teach, suggest, or describe incorporating a configuration file into a management module such that the management module is configured to receive the identified type of information from a detected first component and analyze, based on the identified type of information from the detected first component, whether an event has occurred in a computer system. The Office Action refers to Figure 1 of RadiSys as support for the allegation that RadiSys describes the above recitation and notes that an IPMI Command Set and a RadiSys OEM Command Set are incorporated with System Management Software. Applicants respectfully traverse the Office Action's interpretation of Figure 1 of RadiSys. In particular, Figure 1 indicates that an IPMI Command Set Application Program Interface (API) and a RadiSys OEM Command Set API are part of an IPMI API which interfaces with a BMC. However, Figure 1 does not illustrate that an IPMI Command Set and RadiSys OEM Command Set are incorporated with the System Management Software as suggested by the Office Action.

For at least the reasons given above, claim 1 is allowable over RadiSys. Since claims 2-17 depend from claim 1 and recite additional features, Applicants respectfully submit that RadiSys does not anticipate Applicants' claimed invention as embodied in claims 2-17. Accordingly, withdrawal of these rejections is respectfully requested.

For reasons similar to those given above with regard to claim 1, Applicants respectfully submit that claim 50 is also allowable over RadiSys. Since claims 51-65 depend from claim 50 and recite further claim features, Applicants respectfully submit that Radisys does not anticipate Applicants' claimed invention as embodied in claims 51-65. Accordingly, withdrawal of these rejections is respectfully requested.

B. Claims 31-39 and 42 are allowable.

As amended, claim 31 recites that a system for configuring a management module for use in monitoring operations associated with a computer system is operative to: detect and identify components that are communicatively accessible to the management module by way of a communication medium of the computer system prior to the management module being

configured to monitor the components communicatively connected to the management module and analyze, based on the monitored components, whether an event has occurred in the computer system; compare the detected and identified components with a plurality of description files each describing a component which may be communicatively connected to the management module, wherein each of the components detected and identified to one of the plurality of description files; incorporate the description files corresponding to each of the detected and identified components into a configuration file; and load the configuration file into the management module to provide the management module with an ability to receive operational information from the detected and identified components and analyze, based on the received operational information, whether an event has occurred in the computer system, wherein the operational information relates to operations associated with the computer system.

RadiSys does not teach, suggest, or describe a system for configuring a management module for use in monitoring operations associated with a computer system as recited by claim 31. In contrast, RadiSys describes a system for providing an interface that allows for development of service provider programs utilizing standard Intelligent Platform Management Interface (IPMI) commands and RadiSys Original Equipment Manufacturer (OEM) commands. The standard IPMI commands and the RadiSys OEM commands discussed by RadiSys appear to be commands that can be issued by either system management software or a Baseboard Management Controller (BMC) and responded to by either the BMC or IPMI devices in communication with the BMC, respectively. For these commands to be issued and responded to, the BMC would need to be set up to handle the configuration of the IPMI devices. This is not analogous to the system recited by claim 31 because RadiSys fails to teach, suggest, or describe any actions that are performed prior to the BMC being set up to monitor the IPMI devices communicatively connected to the BMC and analyze, based on the monitored IPMI devices, whether an event has occurred in a computer system.

Moreover, RadiSys fails to teach, suggest, or describe a system operative to load a configuration file into a management module to provide the management module with an ability to receive operational information from a detected and identified components and analyze, based on the received operational information, whether an event has occurred in a computer system, wherein the operational information relates to operations associated with the computer system. The Office Action refers to Figure 1 of RadiSys as support for the allegation that RadiSys

describes the above recitation and notes that an IPMI Command Set and a RadiSys OEM Command Set are incorporated with System Management Software. As discussed above, Applicants respectfully traverse the Office Action's interpretation of Figure 1 of RadiSys. In particular, Figure 1 indicates that an IPMI Command Set Application Program Interface (API) and a RadiSys OEM Command Set API are part of an IPMI API which interfaces with a BMC. However, Figure 1 does not illustrate that an IPMI Command Set and RadiSys OEM Command Set are incorporated with the System Management Software as suggested by the Office Action.

For at least the reasons given above, claim 31 is allowable over RadiSys. Since claims 32-39 and 42 depend from claim 31 and recite additional features, Applicants respectfully submit that RadiSys does not anticipate Applicants' claimed invention as embodied in claims 32-39 and 42. Accordingly, withdrawal of these rejections is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. §103(a)

Claims 40-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over RadiSys in view of Official Notice taken by the Examiner. This rejection is respectfully traversed.

In addition to failing to teach, suggest, or describe the recitations of claim 31 for which claim 40 depends, RadiSys also fails to teach, suggest, or describe a system for configuring a management module operative to provide a graphical user interface displaying on a display device a graphical representation of the management module and each of the components detected and identified as being communicatively connected to the management module as recited by claim 40. In fact, RadiSys fails to mention any graphical user interface.

In an effort to cure the deficiencies of RadiSys, the Examiner takes Official Notice that a standard graphical user interface of a standard operating system would meet the recitations of claim 40. Applicants respectfully disagree and traverse the Examiner's Official Notice. Claim 40 recites a graphical interface displaying a graphical representation of a management module and each of the components detected and identified as being communicatively connected to the management module. Applicants respectfully assert that it is not well known in the art that a graphical interface of a standard operating system displays a graphical representation of a management module and each of the components detected and identified as being communicatively connected to the management module. If the Examiner continues to assert the same, Applicants respectfully request that the Examiner provide documentary evidence

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supporting the assertion. For at least these reasons, claim 40 is allowable over the combined teaching of RadiSys and the Official Notice taken. Accordingly, Applicants respectfully request withdrawal of this rejection.

In addition to failing to teach, suggest, or describe the recitations of claims 31 and 40 for which claim 41 depends, RadiSys also fails to teach, suggest, or describe a system for configuring a management module operative to provide a graphical user interface displaying on a display device a graphical representation including a first icon representing a management module; a plurality of other icons representing components detected and identified; and graphical representations of logical connections between the detected and identified components and the management module. As noted above, RadiSys does not even mention a graphical user interface. It follows, then, that RadiSys fails to teach, suggest, or describe a graphical user interface displaying a graphical representation including the features recited by claim 41.

In an effort to cure the deficiencies of RadiSys, the Examiner takes Official Notice that a standard graphical user interface of a standard operating system would meet the recitations of claim 41. Applicants respectfully disagree and traverse the Examiner's Official Notice. Claim 41 recites a graphical interface displaying a graphical representation including a first icon representing a management module; a plurality of other icons representing components detected and identified; and graphical representations of logical connections between the detected and identified components and the management module. Applicants respectfully assert that it is not well known in the art that a graphical interface of a standard operating system displays a graphical representation including a first icon representing a management module; a plurality of other icons representing components detected and identified; and graphical representations of logical connections between the detected and identified components and the management module. If the Examiner continues to assert the same, Applicants respectfully request that the Examiner provide documentary evidence supporting the assertion. For at least these reasons, claim 41 is allowable over the combined teaching of RadiSys and the Official Notice taken. Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact Applicants' undersigned attorney at the number below.

Respectfully submitted,

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